

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ALVIN DEAN BRUTON, SR.

Plaintiff,

v.

CIV 11-0330 WJ/KBM

UNITED STATES OF AMERICA, *et al.*,

Defendants.

ORDER REAFFIRMING APPOINTMENT OF 706 EXPERT

THIS MATTER is before the Court on a voice message received November 13, 2012 from Dr. Jan Fawcett, the 706 Expert appointed by the Court on October 25, 2012. Dr. Fawcett has begun his review of the medical files. He wanted to alert the parties and the Court that those records show that Plaintiff received care from two physicians – Dr. Escalona and Dr. Peggy Rodriguez - with whom Dr. Fawcett is personally acquainted and at least one with whom he trained.

This revelation comes as no surprise to the Court because the pool of Albuquerque psychiatrists, unlike perhaps a large metropolitan area such as Los Angeles or Boston, is relatively small. Dr. Jansen is to be commended for bringing this information to our attention as someone might reasonably question whether such knowledge would affect his conclusions. I am satisfied, however, with Dr. Fawcett's assertion that he can nonetheless be fair and impartial in this matter and I find that there are no grounds for his disqualification as the Court's 706 Expert.

Wherefore,

IT IS ORDERED that Dr. Jan Fawcett continue his work as the Court Expert in this matter.



CHIEF UNITED STATES MAGISTRATE JUDGE